

AMENDED IN ASSEMBLY JUNE 21, 2010
AMENDED IN SENATE JANUARY 25, 2010
AMENDED IN SENATE MAY 7, 2009
AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 228

Introduced by Senator DeSaulnier

February 23, 2009

An act to add Sections 40116.5 and 42357.5 to the Public Resources Code, relating to plastic bags.

LEGISLATIVE COUNSEL'S DIGEST

SB 228, as amended, DeSaulnier. Plastic bags: compostable plastic bags.

The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, prohibits a person from selling a plastic bag in this state that is labeled with the term "compostable" or "marine degradable" unless, at the time of sale, the plastic bag meets specified standards for those types of bags.

This bill would require, beginning July 1, 2011, a manufacturer of a compostable plastic bag meeting those standards to ensure that the compostable plastic bag is "readily and easily identifiable," as the bill would define that term, from other plastic bags. The bill would prohibit a compostable plastic bag sold in the state from displaying a chasing arrow resin identification code or recycling type of symbol in any form. ~~The bill would require the manufacturers or suppliers of compostable plastic bags to submit a yearly report to the department containing certain information and subject those manufacturers or suppliers to audit by the department.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40116.5 is added to the Public Resources
2 Code, to read:
3 40116.5. “Department” means the Department of Resources
4 Recycling and Recovery.
5 SEC. 2. Section 42357.5 is added to the Public Resources Code,
6 to read:
7 42357.5. (a) Beginning July 1, 2011, a manufacturer of a
8 compostable plastic bag meeting an ASTM standard specification
9 specified in paragraph (1) of subdivision (b) of Section 42356 or
10 Section 42356.1 shall ensure that the compostable plastic bag is
11 readily and easily identifiable from other plastic bags.
12 (b) For purposes of this section, “readily and easily identifiable”
13 means labeling that meets both of the following requirements:
14 (1) Labeled with a certification logo indicating the bag meets
15 the ASTM D6400 standard specification if the bag has been
16 certified as meeting that standard by a recognized third-party
17 independent verification.
18 (2) Labeled in accordance with one of the following:
19 (A) The bag is made of a uniform color of green and labeled
20 with the word “compostable” on one side of the bag, and the label
21 shall be at least one inch in height.
22 (B) Labeled with the word “compostable” on both sides of the
23 bag and the label shall be one of the following:
24 (i) Green color lettering at least one inch in height.
25 (ii) Within a contrasting green color band of at least one inch
26 in height on both sides of the bag with color contrasting lettering
27 of at least one-half inch in height.
28 (c) Notwithstanding paragraph (2) of subdivision (b), if the bag
29 is smaller than 14 inches by 14 inches, the lettering and stripe shall
30 be in proportion to the size of the bag.
31 (d) A compostable plastic bag sold *or distributed* in the state
32 shall not display a chasing arrow resin identification code or
33 recycling type of symbol in any form.
34 ~~(e) (1) Each manufacturer or supplier of a compostable plastic~~
35 ~~bag shall submit a report to the department containing the~~

1 ~~certification required by this section for the preceding calendar~~
2 ~~year, together with any other information that the department may~~
3 ~~require. The department shall retain the reports and a list of~~
4 ~~manufacturers or suppliers that have fulfilled the requirements of~~
5 ~~this section. The department shall make the reports available to~~
6 ~~the public upon request.~~

7 ~~(2) Each manufacturer or supplier required to provide~~
8 ~~certification or any information pursuant to this section may be~~
9 ~~subject to audit by the department.~~